

AUG 26 '99 12:52 TO-917816 029--281

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T-897 P.02/02 F-016

DOCKET NO. EUC97-06A

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

In the Application of: Aldis Parzina and Gregory T. Mrachko

Application No. 08/851,089

Filed: May 5, 1997

For: A SPHINGOMONAS BIODESULFURIZATION CATALYST

The owner, Energy BioSystems Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 08/851,088, filed on May 5, 1997. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon granted, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant; in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is empowered to act on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

August 26, 1999
Date

D. J. Monticello
Signature

D. J. Monticello
Typed or printed name

Energy BioSystems Corp.
Name of Corporation

AUG 26 '99 14:59 TO-917816-1029--281

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T-899 P.02/02 F-018

Docket No. EBC97-06A**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**Applicant(s): Aldis Darrulis and Gregory T. MrachkaApplication No.: 08/851,089 Filed: May 5, 1997For: A SPINNING MONAS BIODESULFURIZATION CATALYSTImerys Biosystems Corporation

(Name of Assignee)

corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is

A. the assignee of the entire right, title and interest in the patent application identified above.

B. an assignee together with [] of the entire right, title and interest in the patent application identified above. A separate Certificate under 37 CFR § 3.73(b) is attached.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

A. All assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8594, Frame 0745, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

 Additional documents in the chain of title are attached. Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: August 26, 1999Name: D. J. MonticelloTitle: Vice Pres. clent / R&DSignature: D. J. Monticello